



DECLARATION AND POWER OF ATTORNEY

I, a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention or design entitled **"Device for Generating Electromagnetic Waves, Method for Operating a Device of This Type and Method for Modulating the Electromagnetic Waves to be Generated Using a Device of this Type in Accordance with Data to be Transmitted"** the specification of which (check one):

_____ is attached hereto; or

x was filed on October 27, 2003 as

Application Serial No. 10/694,112

and was amended on _____ (if applicable);

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| <u>Number</u> | <u>Country</u> | <u>Date Filed</u> | <u>Priority Claimed (Yes) (No)</u> |
|---------------|----------------|-----------------------|--|
| 102 50 396.6 | Germany | 10/29/02 | yes |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office

all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| <u>Application</u> <u>Serial Number</u> | <u>Date</u> <u>Filed</u> | <u>Status</u> |
|--|-----------------------------|---------------|
|--|-----------------------------|---------------|

NONE

I hereby appoint the following:

| | |
|-----------------------|-----------------|
| Scott F. Partridge | Reg. No. 28,142 |
| Jerry W. Mills | Reg. No. 23,005 |
| Mitchell D. Lukin | Reg. No. 30,772 |
| Bruce W. Slayden II | Reg. No. 33,790 |
| Paul Katz | Reg. No. 35,917 |
| Paul Morico | Reg. No. 35,960 |
| Ronald Chichester | Reg. No. 36,765 |
| R. William Beard, Jr. | Reg. No. 39,903 |
| Ann C. Livingston | Reg. No. 32,479 |
| Thomas R. Felger | Reg. No. 28,842 |
| Roger J. Fulghum | Reg. No. 39,678 |
| Claude E. Cooke, Jr. | Reg. No. 34,142 |
| Michael A. Hawes | Reg. No. 38,487 |
| My T. Pham | Reg. No. 51,158 |

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Baker Botts L.L.P.
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Direct Telephone Calls To:

Andreas H. Grubert
at (713) 229-1964
Atty. Docket No. 071308.0479

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole inventor

PETER GOLD

Inventor's Signature

Peter Gold

Date

25.11.2003

Residence (City, County, State)

**Tannenstraße 5
93161 Sinzing
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Citizenship

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Post Office Address

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Germany**



**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATE PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Mr. Andreas Horst Lothar Grubert is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Baker Botts LLP, to prepare and prosecute patent applications for clients of Baker Botts LLP in which a member of Baker Botts LLP is the attorney of record. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Mr. Andreas Horst Lothar Grubert ceases to lawfully reside in the United States, (ii) Mr. Andreas Horst Lothar Grubert's employment with Baker Botts LLP ceases or is terminated, or (iii) Mr. Andreas Horst Lothar Grubert ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: June 30, 2004

A handwritten signature in cursive script, appearing to read "Harry I. Moatz", written over a horizontal line.

**Harry I. Moatz
Director of Enrollment and Discipline**